IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 30187 of 1995

Between:

S. Afsar Ahmed S/o Rafeeq Ahmed, 35 years,
Assistant-cum-Typist, Arrack bottling Unit,

A.P.B.C.L. Anantpur.

..... PETITIONER

AND

1.The Managing Director, A.P.Beverages Corporation Ltd.,
Shakkar Bhavan, 5-10-174, II & III Floor,
NSF Complex, Near Police Control Room, Hyderabad.

2.The Joint Collector & Ex-Officio Executive Director,

A.P.B.C.L., Arrack Bottling Unit, Kurnool.

3.District Manager, ABU, APBCL,
Arrack Building Unit, Kurnool.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any appropriate writ or order or direction in the nature of writ declaring the action the 1st respondent in issuing proceedings No.A4/40/97 dt.6-10-1995 confirming the order of the 2nd respondent No.APBCL/ABU/KNL/416/92 dt.10/3/1993 imposing the punishment of with holding one grade increment of the petitioner as illegal, arbitrary unjust, violative of principles of natural justice and without jurisdiction and to set aside the same and to direct them to grant all consequential benefits including arrears.

Counsel for the Petitioner: MR.S.KRISHNA
Counsel for the Respondent Nos.1 to 3: MR.G.MANOHAR

The Court made the following:

ORDER:

This writ petition is filed seeking writ of Mandamus declaring the action of the first respondent in issuing proceedings No.A4/40/97 dated 06.10.1995 confirming the order of the second respondent issued proceedings No.APBCL/ABU/KNL/416/92 dated 10.3.1993 imposing punishment of withholding one grade increment without cumulative effect as arbitrary and illegal.

2. It is the case of the petitioner that while he was working as Assistant-cum-Typist in the second respondent office, certain misconduct was alleged and a charge sheet dated 17.11.1992 was issued. The petitioner submitted his explanation on 05.12.1992. In spite of his explanation, the second respondent has imposed a punishment of withholding one grade increment without cumulative effect through his proceedings No.APBCL/ABU/KNL/416/92 dated 10/3/1993, which was confirmed by the first respondent, and the same is arbitrary and illegal.

3. A detailed counter affidavit is filed on behalf of the respondents denying the allegations made by the petitioner. In the counter it is asserted that the petitioner, who worked as Assistant-cum-Typist was bounded by his duty, since he was looking after the establishment matter, to ascertain the stage of action on the resignation letter submitted by the operator and process the file, but he failed to do so intentionally. Even after returning from leave on 12.8.1990, the petitioner had neither pointed out nor ascertained the reasons for not attending the duty and not signing in the attendance register by the above said operator from 4.8.1990 onwards. It is also further case of the respondents that the misconduct alleged against the petitioner is a matter of record, however, a lenient view was taken and a

punishment of withholding one increment without cumulative effect was imposed and the Appellate Authority confirmed the same. It is also further contention of the learned counsel for the respondents that there is no necessity of conducting a detailed enquiry since it is only a minor punishment of withholding one increment without cumulative effect.

4. I agree with the contention of the learned counsel for the respondents since the punishment of stoppage of one increment is without any cumulative effect, there is no necessity of conducting detailed enquiry into the matter. Summary enquiry is enough to hold the petitioner guilty of the charges, particularly in a case like this where the misconduct is a matter of record. I see no reasons to interfere with the order impugned. The writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,J.

Date: 25th February 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Managing Director, A.P.Beverages Corporation Ltd.,
Shakkar Bhavan, 5-10-174, II & III Floor,
NSF Complex, Near Police Control Room, Hyderabad.

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